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**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

**Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

## Situation of human rights in the Democratic People's Republic of Korea

*The General Assembly*,

*Reaffirming* that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

*Noting* the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] E/1990/6/Add.35.
[5] CRC/C/65/Add.24.

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Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

*Taking note* of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

*Recalling* its resolution 60/173 of 16 December 2005 and Commission on Human Rights resolutions 2003/10 of 16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and mindful of the need for the international community to strengthen its coordinated efforts aimed at urging the implementation of these resolutions,

*Taking note* of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[11] including the specific concerns relating to women's rights, the rights of the child, the rights of the elderly, of persons with disabilities and refugee rights addressed therein,

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and urges all States to ensure respect for the fundamental principle of non-refoulement;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

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[6] CEDAW/C/PRK/1.

[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] A/61/349.

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions of international concern relating to the abduction of foreigners in the form of an enforced disappearance, which violates the human rights of the nationals of other sovereign countries;

(vi) The violations of economic, social and cultural rights, which have led to the severe malnutrition and hardship of the population in the Democratic People's Republic of Korea;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

2. *Expresses its strong concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, compounded by the mismanagement on the part of the authorities, in particular the prevalence of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to facilitate the continued presence of humanitarian organizations to ensure that humanitarian assistance is delivered impartially to all parts of the country on the basis of need in accordance with humanitarian principles;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies, and to extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-second session, and to this end, requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to report his findings and recommendations.